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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,485	09/22/2003	Siegfried Schlisio	P23885	6899
7055	7590	10/06/2005		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER LYLES IRVING, CARMEN V	
			ART UNIT 1731	PAPER NUMBER
DATE MAILED: 10/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,485

Applicant(s)

SCHLISIO, SIEGFRIED

Examiner

Carmen Lyles-Irving

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13, 17-25 and 29-34 is/are rejected.
- 7) ☒ Claim(s) 9-12, 14-16, 26-28 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/23/03 & 9/19/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6, 7, 8 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hinchcliffe et al (U.S. Patent No. 4,614,198). Regarding claim 1, Hinchcliffe teaches a process for connecting smoking article components comprising feeding a glued connecting sheet on a roller; feeding a cigarette/tip group on a grooved drum; transferring the connecting sheet to the cigarette/tip group such that the connecting sheet is arranged on the cigarette/tip group with two free ends; and rolling the cigarette/tip group to wrap the connecting sheet around the cigarette/tip group (Fig. 1; column 46-63). Accordingly, claim 1 is rejected.

Regarding claim 2, Hinchcliffe teaches a process for connecting smoking article components wherein the connecting sheet is transferred onto a junction point of the cigarette/tip group (column 1, lines 47-50). Accordingly, claim 2 is rejected.

Regarding claim 4, Hinchcliffe fails to teach rotating the roller and the grooved drum such that a respective connecting sheet is successively transferred to a respective cigarette/tip group (column 3, lines 52-55). Accordingly, claim 4 is rejected.

Regarding claim 6, Hinchcliffe teaches after transferring the connecting sheet to the cigarette/tip group, the process further comprises applying one of the two free ends

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to the connecting sheet to the cigarette/tip group to form partially connected components (column 3, lines 11-15). Accordingly, claim 6 is rejected.

Regarding claim 7, Hinchcliffe teaches one of the two free ends is the front free end viewed in a conveying direction of the cigarette/tip group (column 3, lines 18-24). Accordingly, claim 7 is rejected.

Regarding claim 8, Hinchcliffe teaches the free end of the connecting sheet is applied by an application device (column 3, lines 32-42). Accordingly, claim 8 is rejected.

Regarding claim 13, Hinchcliffe fails to teach the roller feeding a plurality of glued connecting sheets and the grooved drum feeding a plurality of cigarette/tip groups, and the connecting sheets and the cigarette/tip groups are joined at a same spacing. However, it would have been obvious to one of ordinary skill in the art at the time of the invention for the connecting sheets and the cigarette/tip groups to be joined at a same spacing to ensure that the groups are connected at the same way each and every time. Accordingly, claim 13 is rejected.

Claims 17, 19, 20, 22-24, and 29-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Korber (U.S. Patent No. 2,821,199). Regarding claim 17, Korber teaches a device for connecting smoking articles components comprising a roller structured and arranged to feed a glued connecting sheet (column 2, lines 16-19); a grooved drum structured and arranged to feed a structured and arranged to connect the connecting sheets to the cigarette/tip group in such a manner that the connecting sheet has two

free ends when connected to the cigarette/tip group (Figure 1). Accordingly, claim 17 is rejected.

Regarding claim 19, Korber teaches a device for applying on of the two free ends of the connecting sheets to the cigarette/tip group to form partially connected components (column 3, lines 2-4). Accordingly, claim 19 is rejected.

Regarding claim 20, Korber teaches the applying device is arranged to apply a first free end of the connecting sheet, when viewed in the conveying directing of said grooved drum (Figure 1; column 3, lines 10-17). Accordingly, claim 20 is rejected.

Regarding claim 22, Korber teaches the applying device comprises at least a rotational body (Figure 1 reference number 13). Accordingly, claim 22 is rejected.

Regarding claim 23, Korber teaches the applying device comprises at least one application element (Figure 1; column 3, lines 10-17). Accordingly, claim 23 is rejected.

Regarding claim 24, Korber teaches the application element comprises a projection (Figure 1; column 3, lines 10-17). Accordingly, claim 24 is rejected.

Regarding claim 29, the Examiner interprets that each groove is a rotating station at each folding member. As a result, Korber teaches that at least one rolling station located at wrap the connecting sheet around a junction point of the cigarette/tip group (Figure 1; column 3, lines 2-4; column 3, lines 10-17). Accordingly, claim 29 is rejected.

Regarding claims 30 and 31, Korber teaches a machine of the tobacco processing industry comprising a device for connecting smoking articles components comprising a roller structured and arranged to a feed glued connecting sheet (column 2, lines 16-19); a grooved drum structured and arranged to feed a structured and arranged

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to connect the connecting sheets to the cigarette/tip group in such a manner that the connecting sheet has two free ends when connected to the cigarette/tip group where the machine is a filter tipping magazine (Figure 1; column 1, lines 15-16; column 1, lines 30-34). Accordingly, claims 30 and 31 are rejected.

Regarding claim 32, Korber teaches a process for connecting smoking article components comprising feeding glued connecting sheets on a roller (column 2, lines 16-18); feeding cigarette/tip groups on a grooved drum, wherein each cigarette/tip group has a longitudinal axis (column 1, lines 52-56); and connecting the connecting sheets to the cigarette/tip groups without rotating the cigarette/tip groups about their longitudinal axes (Figure 1). Accordingly, claim 32 is rejected.

Regarding claim 33, Korber teaches the connecting sheets are connected to the cigarette/tip groups in such a manner that the connected connecting sheets have two free ends (Figure 1). Accordingly, claim 33 is rejected.

Regarding claim 34, Korber teaches the process further comprises applying the first free end of the two free ends, when viewed in the cigarette/tip group conveying direction to the cigarette/tip groups about their longitudinal axes, thereby forming partially connected components (Figure 1; column 3, lines 10-17). Accordingly, claim 34 is rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinchcliffe et al, as applied in claim 1 above. Regarding claim 3, Hinchcliffe teaches a roller feeding a plurality of glued connecting sheets (column 4, lines 13-16) and a grooved drum feeding a plurality of cigarette/tip groups. Hinchcliff fails to teach that the plurality of glued connecting sheets is positioned with a defined spacing. However, it would have been obvious to one of ordinary skill in the art at the time of the invention for the glued connecting sheets to be positioned with a defined spacing to allow for effective transfer of the connecting sheets to the cigarette/tip groups. Accordingly, claim 3 is rejected.

Regarding claim 5, Hinchcliffe fails to teach the connecting sheet is transferred to be located asymmetrically on the cigarette/tip group. However, it would have been obvious that the connecting sheet could be located asymmetrically or symmetrically on the cigarette/tip group as a matter of design choice and desired end result. Accordingly, claim 5 is rejected.

Claims 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korber, as applied in claim 17 above. Regarding claim 18, Korber teaches a device wherein said roller is structured and arranged to feed a plurality of connecting sheets. Korber fails to teach that the roller has a defined spacing. However, it would have been obvious to one of ordinary skill in the art at the time of the invention for the roller to have defined spacing for the connecting sheets to ensure that when the

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connecting sheets and the cigarette/tip groups meets two free ends will remain.

Accordingly, claim 18 is rejected.

Regarding claim 25, Korber teaches grooved drum comprises a plurality of seats, and application elements for the connection of the connecting sheets to the cigarette groups. Korber fails to teach that the application elements are spaced to correspond to a spacing between said plurality of seats during the connection of the connecting sheets to the cigarette groups. However, it would have been obvious to one of ordinary skill in the art for the application elements to have the aforementioned spacing to ensure that effective connection of the connecting sheets to the cigarette groups occurs.

Accordingly, claim 25 is rejected.

Claim 21 is rejected under 35 U.S.C. 103(a) as being obvious under Korber, as applied to claim 17 above, and further in view of Bald (U.S. Patent No. 4,003,386). Korber fails to teach a transfer drum, wherein the applying device is located between said roller and said transfer drum relative to the conveying direction of said grooved drum. However, Bald teaches a transfer drum, wherein the applying device is located between said roller and said transfer drum relative to the conveying direction of said grooved drum (column 6, lines 10-12). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a transfer drum as part of the device in order to provide for effective transference of the connected cigarette/tip group (column 6, lines 10-12). Accordingly, claim 21 is rejected.

Allowable Subject Matter

Claims 9-12, 14-16, 26-28 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Double Patenting

Claims 1 and 32 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7, 12, 13 and 27 of copending Application No. 10/382,491. Although the conflicting claims are not identical, they are not patentably distinct from each other because in copending application 10/382,491 (hereinafter '491) the applicant teaches a process for connecting smoking article components, i.e. tobacco rods and filters, comprising feeding glued connecting sheets (claim 2 of '491) on a roller (suction) (claims 1, 12 and 27 of '491); feeding cigarette/tip groups on a grooved drum (claim 3 of '491), wherein each cigarette/tip group has a longitudinal axis; and rolling the cigarette/tip group in order to wrap an unwrapped portion of the connecting sheets around the smoking components (claim 6 of '491). Copending application '491 also teaches connecting the connecting sheets to the cigarette/tip groups without rotating the cigarette/tip groups about their longitudinal axes (claim 27 of '491). The instant application fails to expressly teach that the connecting sheets partially connect the smoking article components. However, it would have been obvious to one of ordinary skill in the art at the time of the invention that connecting the connecting sheets to the cigarette/tip groups also encompasses *partially connecting* the smoking components.

Regarding claims 4 and 5 of application '491, it would have been obvious to one of ordinary skill in the art at the time of the invention that as the connecting sheets are being connected to the cigarette/tip groups that the cigarette/tip groups include at least one joint formed between a tobacco rod and a filter, and the transferring comprises potentially wrapping at least one joint with at least one of the connecting sheets. Furthermore, it would have been obvious that because the cigarette/tip groups are not rotated about their longitudinal axes that they must be rolled so that the wrapping of the smoking components may be completed.

Regarding claim 7 of application '491, it would have been obvious to one of ordinary skill in the art at the time of the invention for the cigarette/tip groups to be at least partially inserted into a seat of a suction roller, otherwise the groups would fall out of the grooves of the drum as the drum rotates.

Regarding claim 13 of application '491, it would have been obvious to one of ordinary skill in the art at the time of the invention for the at least two suction vacuum borings to be switched off in a predetermined order so that the connecting sheets may be wrapped around the cigarette/tip groups.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen Lyles-Irving whose telephone number is (571)

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272-2945. The examiner can normally be reached Monday through Friday from 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLI
10/01/2005


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